

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LESLIE C. WASHINGTON,

Plaintiff,

v.

Case Number 04-10352

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

BROWNSTOWN POLICE DEPARTMENT
CHIEF JOHN DOE, BROWNSTOWN POLICE
OFFICERS JOHN DOE, CHIEF COMMANDER
ROBERT FICANNO, LIEUTENANT LANGA,
MRS. A. DANIELKEVICH, MRS. PARKS,
MRS. MILES, SERGEANT BURKS, SERGEANT
DARWISH, SERGEANT HOPKINS, SERGEANT
JOHNSON, SERGEANT O'CONNOR, SERGEANT
PRUITT, SERGEANT STINGLE, MRS. BURKS, MRS.
CHUBBS, MRS. COLEMEN, MRS. DICKENS,
MRS. FIELDS, MRS. FORESIGHT, MRS. FULLER,
MRS. HARDWICK, MRS. JOHNSON, MRS. JONES,
MRS. KENDALL, MRS. KINDRO, MRS. MEARS,
MRS. MORROW, MRS. O'BANNON, MRS. RIDAUX,
MARSHAL ROBERT GRUBBS, UNITED STATES
MARSHALS JOHN DOE, DAVID SHEPARDSON,
JOHN DOE DIRECTOR DETROIT PRESS NEWSPAPER,
TERRY BOOTH, JOHN DOE INVESTIGATORS
FEDERAL BUREAU OF INVESTIGATIONS, MR.
LEMISCH ASSISTANT UNITED STATES ATTORNEY,
WARDEN JENNIE VAN BUREN, KIRK DERRICK,
MRS. STEWART, DIRECTOR OF PROPERTY
DEPARTMENT F.C.I. DANBURY, MRS. S. BAGNE,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION
TO DISMISS**

Presently before the Court is the report issued on December 17, 2007 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court deny defendant Kimberly Johnson's motion to dismiss. The magistrate judge found that the complaint should not

be dismissed as to Johnson for want of proper service. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 87] is **ADOPTED**.

It is further **ORDERED** that defendant Kimberly Johnson's motion to dismiss [dkt # 85] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: May 12, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 12, 2008.

s/Felicia M. Moses

FELICIA M. MOSES